

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1486

IN THE MATTER OF:

Application of COLUMBIA)	
TRANSPO COMPANY, INC.,)	Served January 9, 1976
for Temporary Authority)	
to Perform Charter)	Application No. 887
Operations)	
)	
Application of COLUMBIA)	
TRANSPO COMPANY, INC.,)	Application No. 896
for Certificate of Public)	
Convenience and Necessity)	Consolidated
to Perform Charter)	Docket No. 302
Operations)	

By Application No. 896, filed December 17, 1975, as amended December 22, 1975, Columbia Transpo Company, Inc. (Columbia Transpo) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b), to transport passengers, over irregular routes, in charter operations for the purpose of sightseeing, within Washington, D. C., Arlington County, City of Alexandria, and Fairfax County, Virginia.

Columbia Transpo previously filed application No. 887 seeking temporary authority. By Order No. 1478, served December 9, 1975, 1/ the Commission scheduled that application for public hearing to commence on January 16, 1976. Columbia Transpo has requested that Applications No. 887 and 896 be consolidated for public hearing and that the public hearing date be postponed to February 3, 1976.

1/ The proposed operations set forth in the permanent authority application are identical to those set forth in the temporary authority application and summarized on pages 1 and 2 of Order No. 1478. A delineation of the proposed permanent authority operations is not repeated herein.

On January 7, 1976, The Gray Line, Inc. (Gray Line) filed a protest to Application No. 887 for temporary authority. Gray Line holds Certificate of Public Convenience and Necessity No. 12. That Certificate authorizes Gray Line to perform charter operations and special operations within those areas of the Metropolitan District proposed to be served by Columbia Transpo. Gray Line submits that the service proposed by Columbia Transpo would duplicate and compete with its sightseeing and pleasure tour services. Gray Line also submits that similar services are being provided throughout the Metropolitan District by other certificated carriers. Gray Line's position is that the public convenience and necessity does not justify or require the sightseeing and pleasure services proposed. According to Gray Line, a grant of the application would result in the creation of a totally unwarranted new competitive sightseeing and pleasure tour service, which would divert revenues that Gray Line needs to sustain its operations.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, a public hearing shall be scheduled.

Pursuant to Rule of Practice and Procedure 20-02, Columbia Transpo's Application No. 896 shall be consolidated for public hearing with Columbia Transpo's Application No. 887. These proceedings involve common questions of fact. Furthermore, the Commission shall accept Gray Line's protest to Application No. 887 as a protest to Columbia Transpo's Application No. 896.

Pursuant to Rule of Practice and Procedure 7-06, the Commission shall postpone the public hearing scheduled for January 16, 1976 to February 3, 1976. The applicant, Columbia Transpo, has sought the postponement. The public interest would be served by postponing the public hearing scheduled on Application No. 887 and consolidating the hearing with the public hearing on Application No. 896. Columbia Transpo shall be directed to publish notice of the consolidated hearing.

THEREFORE, IT IS ORDERED:

1. That Application No. 896 of Columbia Transpo Company, Inc., be, and it is hereby, consolidated for the purpose of public hearing with Application No. 887 of Columbia Transpo Company, Inc.

2. That the consolidated proceeding be, and it is hereby, scheduled for public hearing to commence Tuesday, February 3, 1976, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

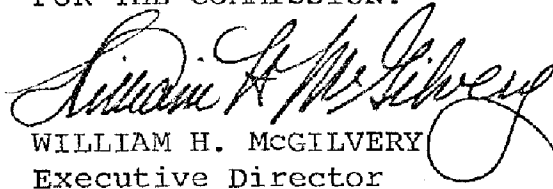
3. That the public hearing scheduled for Friday, January 16, 1976, by Commission Order No. 1478, served December 9, 1975, be, and it is hereby, cancelled.

4. That Columbia Transpo Company, Inc., publish in a newspaper of general circulation in the Metropolitan District a notice in the form prescribed by the staff of the Commission of the applications and hearing no later than Sunday, January 18, 1976, and present at the hearing a certificate of publication from the selected newspaper.

5. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, January 23, 1976, and shall mail a copy of such protest or notice to counsel of record for Columbia Transpo Company, Inc.,

David V. Mason, Esquire, Schwartz and Ellis, Ltd., Suite 110,
The Southern Building, 2054 Fourteenth Street North,
Arlington, Virginia 22201.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director